

REMARKS

This Amendment, submitted in response to the Office Action dated November 5, 2007, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-34 are pending in the present application. Claims 12, 14-25, 29 and 31-33 have been withdrawn from consideration. Applicant has amended claims 1-8, 10-11, 13, 26 and 34 to recite a “lens group” instead of a “lens”. Specifically, the claims were amended to their originally filed form. Further, Applicant has amended independent claims 1 and 26 to recite “the third lens group is rotated about a shaft fixed to the wall of the lens barrel.”

I. Claim Rejections under 35 U.S.C. § 103

Claims 1-3, 11, 13, 26-28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nomura et al (U.S. Pub. No. 2003/0156832; hereinafter “Nomura”) in view of Wakabayashi et al. (U.S. Patent No. 4,937,609; hereinafter “Wakabayashi”).

Claim 1

The Examiner asserts that second lens group L2 and third lens group L3 of Nomura teach the claimed second lens group and third lens group, respectively.

However, contrary to the Examiner’s assertions, Nomura does not teach the claimed third lens group. Specifically, the claimed third lens group is saved to a third lens group saving position out of the optical axis of the image taking lens, at a time of a collapse of the lens barrel. At no point is the third lens group L3 of Nomura saved to a position out of the optical axis.

The Examiner appears to concede this point and cites Wakabayashi to cure the deficiency. However, Wakabayashi does not teach or suggest saving a third lens group to a third lens group saving position out of the optical axis of the image taking lens as claimed. Col. 3, lines 42-49, for example, merely discloses a filter 30 is biased by a biasing spring 40 such that the filter 30 is removed from the photographing optical path. However, the movement of a filter from an optical path does not teach or suggest saving a third lens group to a third lens group saving position out of the optical axis of the image taking lens, at a time of a collapse of the lens barrel, as claimed.

Further, modifying Nomura to include saving a third lens group to a third lens group saving position out of the optical axis of the image taking lens as claimed is not an obvious modification.

Nomura discloses that the “third lens frame 22 is driven to move forward and rearward along the optical axis Z1 by a mechanism including the linear guide holes 22b of the two radial arms 22a, the cylindrical portion 22c and the aforementioned feed screw shaft when the feed screw shaft rotates forward and reverse.” See page 4, last nine lines of para. [0063].

Therefore, it would be contrary to the principle of operation of the lens group L3 of Nomura, which moves forward and rearward along the optical axis, to move the lens group out of position of the optical axis. MPEP 2143.01(VI). In addition, although Nomura discloses more than one of the lens groups can be positioned outside the optical axis, Nomura discloses that the other lens group would be the first lens group and not the third lens group. See Nomura para. [0073].

In addition, Nomura discloses that “[a]lthough the second lens group L2 is the optical element among the optical elements of the photographing optical system which is removed from a position on the optical axis thereof in the above illustrated embodiment of the retractable zoom lens, one or more of any other optical element such as the diaphragm shutter S and the low-pass filter F can constitute the removable optical element(s) in the same manner as the second lens group L2 of the above illustrated embodiment of the retractable lens system.” See Nomura para. [0076]. However, there is no teaching or suggestion that the third lens group L3 is moved out of position of an optical axis.

In view of the foregoing, Applicant submits that it would not be obvious to move the third lens group L3 of Nomura out of the optical axis as claimed. Further, the Examiner’s reasoning merely appears to be based on impermissible hindsight upon viewing the Applicant’s disclosure. Specifically, Nomura discloses that a first lens group, a diaphragm shutter S or a low pass filter F can be removed from a position of an optical axis, however, there is no teaching or suggestion that the third lens group L3 should be removed from a position of the optical axis.

Further, Applicant has amended claim 1 to recite “the third lens group is rotated about a shaft fixed to the wall of the lens barrel” which Applicant submits is not disclosed in the art cited by the Examiner. Specifically, Nomura retracts and advances the zoom lens by rotating around a movable shaft (20c in Fig 1). Therefore, in Nomura, the accuracy of its optical axis is poor and the mechanism for maintaining such accuracy is complicated as compared to the exemplary embodiment of the present invention because the present invention uses a shaft fixed to the rear wall of the lens barrel for retracting and advancing the lens.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claim 26 recites similar elements, claim 26 and its dependent claims should be deemed allowable for at least the same reasons.

Claim 3

Claim 3 recites, *inter alia*:

wherein the lens barrel has:

"a third lens group guide frame that moves in the optical axis direction in accordance with the extension, the collapse and the focusing so as to determine a position related to the optical axis direction of the third lens group; and a third lens group holding frame that holds the third lens group and is pivotally supported by the third lens group guide frame, the third lens group holding frame causing the third lens group to revolve on the optical axis of the image taking lens at the time of the extension, and the third lens group holding frame causing the third lens group to revolve onto the third lens group saving position at the time of the collapse."

However, as discussed above, Nomura and Wakabayashi do not teach or suggest the claimed third lens group saving position, let alone, the third lens group holding frame causing the third lens group to revolve onto the third lens group saving position at the time of the collapse, as recited in claim 3. Consequently, claim 3 should also be deemed allowable.

II. Allowable Subject Matter

The Examiner has indicated that claims 4-10 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At the present time, Applicant has not rewritten claims 4-10 in independent form since Applicant believes claims 4-10 will be deemed allowable, without amendment, by virtue of their dependency to claim 1 for at least the reasons set forth above.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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